

**Regular Meeting
Board of Zoning Appeals
September 5 2012**

Chairman Jerry Uebelhor called the Regular Meeting of the Board of Zoning Appeals to order at 6:30 p.m. Secretary Josh Gunselman took roll call as follows:

Jerry Uebelhor, Chairman	-Present	Randy Mehringer	-Present
Brad Schnarr, Vice Chairman	-Present	Bob Cook	-Absent
Josh Gunselman, Secretary	-Present	Darla Blazey, Bldg. Comm./Zoning Administrator	-Present
		Renee Kabrick, City Attorney	-Present

PLEDGE OF ALLEGIANCE

Chairman Uebelhor led the Pledge of Allegiance.

APPROVAL OF THE MINUTES

Minutes of the August 16, 2012, Regular Meeting were reviewed. Randy Mehringer made a motion to approve the minutes as mailed. Secretary Gunselman seconded it. Motion carried 4-0.

STATEMENT

Chairman Uebelhor read the following statement. "We are now ready to begin the public hearings scheduled for this evening. With respect to tonight's meeting and public hearings, we are hereby incorporating by reference into the record of tonight's meeting and public hearings, City of Jasper Ordinance Number 1993-17, entitled "Zoning Ordinance of the City of Jasper, Indiana and its jurisdictional area" and any and all amendments thereto, and the City of Jasper Comprehensive Plan. Audio and videotapes of these proceedings are also incorporated by reference into this evening's record."

NEW BUSINESS

Petition of The Margaret M. Hochgesang Estate, Elizabeth Latimer, Alice R. Noblitt and the Gilliam Living Trust (as owners) and Jerry L. McCullum and Sandra F. McCullum (as petitioners) for a special exception to allow a multi-family dwelling in a B-2 zone.

Jerry McCullum appeared before the Board requesting a special exception to rent the property located at 704, 706, and 708 Clay Street as a tri-plex. The house was built in 1936 as a tri-plex. After the original owner, Margaret Hochgesang, passed away, the house has been vacant since 2009. Now the house is for sale; however, because it has been vacant, According the City's ordinance, the house is zoned B-2 (Business) and since it has been vacant for longer than six months, a special exception is required to be in compliance. Mr. McCullum is required to come before the Board for approval of a special exception.

There were no remonstrators present. After some discussion, Vice Chairman Schnarr made a motion to close the public hearing. It was seconded by Secretary Gunselman. The motion carried 4-0.

Randy Mehringer made a motion to grant a special exception to allow a multi-family dwelling at 704, 706, and 708 Clay Street. Vice Chairman Schnarr seconded it. The motion carried 4-0.

Petition of Michael and Autumn Stallman d/b/a M.A.S. Whatknots Shop LLC for a special exception to allow a Home Occupation (custom woodworking and custom machine embroidery).

Mike and Autumn Stallman appeared before the Board to request permission to operate a custom woodworking and custom machine embroidery, d/b/a M.A.S. Whatknots Shop LLC, at their home located at 1442 Mill Street. Mr. Stallman has a woodworking shop in the outside garage and would only be operating on a part-time basis. He said he has been ‘piddling’ on small projects for years and has since had more requests. The neighbors are aware that he has a workshop, and he intends to keep any noise to a minimum. Mrs. Stallman would operate her custom embroidery business full-time in the basement of their home. There would be very few customers coming to the residence. If so, the situation would be a one-on-one customer by appointment only. Most of the embroidery and woodwork items would be delivered. There would be no employees and operation would be limited to day time hours. The Stallmans were reminded that if they choose to erect a sign for their business, it can be no larger than four-square feet in a residential zone.

There were no remonstrators present. Following some discussion, Randy Mehringer made a motion to close the public hearing. Secretary Gunselman seconded it. Motion carried 4-0.

Randy Mehringer made a motion to grant a special exception to allow a Home Occupation for a custom woodworking and custom embroidery business at 1442 Mill Street. Secretary Gunselman seconded it. Motion carried 4-0.

Petition of Keith and Mary Dick for a variance from Section 16.02.140 (Height Regulations).

Keith and Mary Dick were present to request a variance to construct a garage at their residence located at 5490 W. Killarney Court. Plans are to build the garage with a height of 24 feet. Mr. Dick said he intends to eventually put an upstairs in the garage. The height request is also due to the possibility of purchasing a camper sometime in the future. The metal-sided garage would measure 36 feet in depth and 40 feet in width, with a 14-foot W x 11-foot H door.

Randy Mehringer inquired if any neighbors were concerned with a 24-foot tall garage. Mr. Dick said the garage would set 25 feet from the adjacent cornfield. The property is located approximately a quarter of a mile off of the county road and is located 30 yards from the front of his property; therefore it should not pose any issues for neighbors.

With no remonstrators present, Vice Chairman Schnarr made a motion to close the public hearing. Secretary Gunselman seconded it. Motion carried 4-0.

Secretary Gunselman made a motion to grant a variance to allow a garage to be constructed at 5490 W. Killarney Court, with the height not to exceed 24 feet. Vice Chairman Schnarr seconded it. Motion carried 4-0.

Petition of Canterbury Green, Inc. for a variance to build within four feet of the side yard.

Chris Ewing, of Canterbury Green, Inc., was present to request a variance to construct a duplex within four feet of the side yard on Lot 41 in Canterbury Green Subdivision; 4463 and 4465 Downey Street. Mr. Ewing explained that the company is in the process of developing Canterbury Green II Subdivision. In reconfiguring the layout of the duplexes, it was discovered that one of the buildings will be closer to the property line than allowed by the City's zoning ordinance.

When asked if there were any remonstrators in the audience, two individuals spoke. Mary Ann Huls and Marilyn Sonderman, each neighboring land owners, were concerned that the closer setback would encroach on their properties. Mr. Ewing explained that the variance request is for the side yard and would not interfere with either of their property lines.

After some discussion, Vice Chairman Schnarr made a motion to close the public hearing. Randy Mehringer seconded it. Motion carried 4-0.

Vice Chairman Schnarr made a motion to grant a variance to build within four feet of the side yard as presented for 4463 and 4465 Downey Street. Randy Mehringer seconded it. Motion carried 4-0.

Petition of Canterbury Green, Inc. for a variance to build within four feet of the side yard.

Withdrew petition.

Petition of St. Thomas Properties, LLC for a variance from Section 16.03.060 (Limitation on Signs).

Attorney Bill Kaiser was present on behalf of St. Thomas Properties, LLC to request a variance for three monument signs and multiple building surface signs, all of which are currently non-compliant. The proposed signs would be located in conjunction with the new medical facility being constructed at 600 W. 13th Street.

Attorney Kaiser gave a brief history of the property, stating that the 6 ½ acre site is being constructed with a 50,000 square-foot medical facility, which St. Thomas Properties, LLC was granted a special exception in 2009 to allow a medical clinic in a residential zone. At that time, sign variances were also granted for the property; however, since then, it has become more apparent that some of the current signage would not be clearly seen due to the location of the facility and the fact that there are two separate entrances onto the property.

Attorney Kaiser presented the request for the entrance signs as follows:

Main Sign:

Base of 11 feet x 1.5 feet	16.5 square feet
Sign of 5 feet x 10.3 feet	51.5 square feet

North Entrance Sign:

Base of 1 foot x 9 feet	9 square feet
Sign of 4 foot x 8.5 feet	34 square feet

South Entrance Sign:

Base of 1 foot x 9 feet	9 square feet
Sign of 4 foot x 8.5 feet	34 square feet

Attorney Kaiser presented the request for the building signs as follows:

Surface Signage:

• Memorial Outpatient Surgery Center	90 square feet
• St. Thomas Medical Center (Column)	65 square feet
• Surgery Center Wall Overhang	20 square feet
• Daniel C. Eby, D.O. P.C. – North Entrance	25 square feet
• St. Thomas Chapel	7 square feet

Door Signage:

• South Entrance – Doorway	36 square feet
• North Entrance – Doorway	36 square feet
• Patient Pick-up / Discharge	10 square feet
• West Entrance – Physical Therapy	10 square feet

The proposed monument signs would change approximately four square inches, giving them more of a symmetrical look. There would be one additional surface sign (directional) for the Chapel. The door signage/entrance signs would read, “St. Thomas Medical Center” with names of the primary tenants listed on the opposite side.

Discussion followed. Randy Mehringer commented that the request includes a lot of signage; however, he said it is justified by the size of the building. With no remonstrators present, Randy Mehringer made a motion to close the public hearing. Vice Chairman Schnarr seconded it. Motion carried 4-0.

Randy Mehringer made a motion to grant the variance as presented. Secretary Gunselman seconded it. Motion carried 4-0.

Petition of Jasper Public Library (as petitioner) and Board of Trustees for the Vincennes University and Vincennes University Jasper Center Foundation, Inc. (as owners) for a special exception to allow a public Library in an R-3 (Residential) zone.

Attorney Bill Shaneyfelt was present on behalf of Jasper Public Library to request a special exception to allow a public library in a residential (R-3) zone. Also present were Library Board member Dean Vonderheide and Director Rita Douthitt. Plans are to utilize the Gramelspacher-Gutzweiler building across the street from the current library, along with the adjacent parking lot. Attorney Shaneyfelt explained that the Library intends to use the building

for administrative offices, tutoring and meeting rooms, which would relieve some of the crowded space in the Library's existing location. There would be no change to the outside of the building except for new signage.

Some discussion followed. With no remonstrators present, Vice Chairman Schnarr made a motion to close the public hearing. Secretary Gunselman seconded it. Motion carried 4-0.

Vice Chairman Schnarr made a motion to grant a special exception to allow a public Library in an R-3 (Residential) zone. Secretary Gunselman seconded it. Motion carried 4-0.

With no further discussion, Randy Mehringer made a motion to adjourn the meeting, seconded by Secretary Gunselman. Motion carried 4-0, and the meeting was adjourned at 7:50 p.m.

Jerry Uebelhor, Chairman

Josh Gunselman, Secretary

Kathy M. Pfister, Recording Secretary